

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SYLVIA M. DURAN,

Plaintiff,

v.

NIKKISO CRYO, INC.,

Defendant.

Case No. 2:14-CV-01644-KJD-CWH

ORDER

Presently before the Court is Defendant's Motion to Set Aside Judgment (#20). Plaintiff filed a Notice of Non-opposition (#21). Plaintiff had accepted Defendant's Offer of Judgment which was made pursuant to Nevada Revised Statute § 17.115(2)(a). After Notice of Acceptance (#18) had been filed with the Court, the Clerk of the Court entered Clerk's Judgment (#19). However, pursuant to NRS § 17.115, the clerk of court shall not enter judgment if the party who is required to make payment, in this case Defendant, requests dismissal of the claim rather than entry of judgment. In this case, Defendant requested dismissal rather than entry of judgment. Thus, in accordance with Federal Rule of Civil Procedure 60(a) and NRS § 17.115, the Court grants Defendant's motion to set aside judgment.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Set Aside Judgment (#20) is **GRANTED**;

1 IT IS FURTHER ORDERED that the Clerk of the Court **VACATE** Judgment (#19);

2 IT IS FURTHER ORDERED that this action is **DISMISSED with prejudice** and the Clerk
3 of the Court close the case without entering judgment.

4 DATED this 6th day of February 2015.

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Kent J. Dawson
United States District Judge

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